26th ASG Sexual Misconduct Briefing

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30 July 2004

Patrick Henry Village, Village Pavilion

Agenda

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- Welcoming Remarks — SFC Rogers
- Agenda & Introduction of Presenters — SFC Rogers
- 26th ASG Cdr's Opening Remarks — COL Rush
- Presentations
  - 26th ASG PMO — MSG Flaherty
  - CID, Heidelberg Detachment — CW3 Wells
- Break — SFC Rogers
  - ERMC — MAJ Leefers
  - 26th ASG Chaplain — MAJ(P) Shaw
  - SJA, Patton Law Center — MAJ White
- Break — SFC Rogers

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26th ASG Commander – Opening Remarks

COL Robert C. Rush Jr.

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26th ASG PMO

MSG Joseph Flaherty

	233rd BSB	293rd BSB	411th BSB	415th BSB	ASG TOTAL
RAPE	2	5	1	2	10
INDECENT ASSAULT	6	5	4	3	18
TOTAL	8	10	5	5	29
ALCOHOL					
INVOLVEMENT	2 (25%)	6 (60%)	4 (80%)	4 (80%)	16 (57%)
BILLETS	4 (50%)	4 (40%)	4 (80%)	3 (60%)	15 (54%)

MP Telephone Numbers

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Heidelberg MP Desk DSN 388-2222
CIV 06221-678-2222

Mannheim MP Desk DSN 385-3359
CIV 0621-730-3359

Darmstadt MP Desk DSN 348-7351
CIV 06151-69-7351

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RAPE PREVENTION BRIEFING

Heidelberg CID Office

CW3 Kyle Wells

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OBJECTIVES

- *Define Rape/Sexual Assault*
- *Rape Facts & Fiction*
- *Investigative Process*
- *Victim's Rights*
- *Reducing the Risk*
- *Sources of Help*

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DEFINITION OF SEXUAL ASSAULT

- ***Refers to several offenses of a sexual nature, committed without the lawful consent of the victim, that are punishable as crimes under the Uniform Code of Military Justice.***

- ***The offenses included within the term "sexual assault" include rape and carnal knowledge (Article 120, UCMJ), forcible sodomy (Article 125), and assault with intent to commit rape or sodomy, indecent assault, or an attempt to commit any of these offenses.***

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DEFINITION OF INDECENT ASSAULT

Any person who attempts or offers with unlawful

force or violence to do bodily harm to another

person, whether or not the attempt or offer is

consummated, to gratify his or her sexual

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DEFINITION OF RAPE

Article 120; UCMJ

a. Any person who commits an act of sexual intercourse by force and without consent

b. Penetration, however, slight, is sufficient to complete the offense

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TYPES OF RAPE

- *Stranger*
- *Statutory (Carnal Knowledge)*
- *Acquaintance "Date Rape"*
- *Group Rape*
- *Spousal Rape*

** Date rape is considered to be the most commonly reported rape*

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USAREUR SPECIFIC RAPE TRENDS

- ✓ *Single soldiers*
- ✓ *Living in barracks*
- ✓ *Alcohol-related*
- ✓ *Possible illicit drug use*
- ✓ *High operational tempo overseas (deployments/re-deployments)*
- ✓ *Lack of control regarding barracks visitations*
- ✓ *Lack of community rape prevention*

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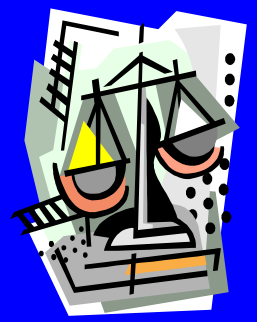

PUNISHMENT

(According to the UCMJ)

Article 120, UCMJ; Rape:

Punishable by death or any such other punishment as a court martial may direct

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RAPE FACTS & FICTION

There is no "typical" rapist or victim

They come from:

- ***all age, ethnic and economic groups***
- ***both sexes***
- ***all sexual orientations***

Rapists can be strangers, friends, family, acquaintances or dates

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FACTS:

- ✓ *Rape is a violent crime*
- ✓ *Rapes occur anywhere, at all times of the day*
- ✓ *Most rapes are committed by someone the victim knows*
- ✓ *Most rape victims are females, but males can also be raped*

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FACTS:

- ✓ Rape is an act of power, not strictly sexual desire
- ✓ Most rapes go unreported because the victim feels ashamed or afraid no one will believe them
- ✓ "No" means "no" and nothing less

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FICTION:

- ✓ *A rapist only wants sexual satisfaction*
- ✓ *People who wear seductive clothing are only asking to be raped*
- ✓ *Most woman falsely report rapes to get back at men*
- ✓ *Women often say “no” when they really mean “yes”*

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INVESTIGATIVE PROCESS

Initial complaint to USACIDC

Crime scene processing

Medical examinations

Victim interview

Suspect interview/processing

Other Activities

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INITIAL COMPLAINT

- ✓ *Report the rape immediately*
- ✓ *Do not wash or shower (destroys evidence!!!)*
- ✓ *Keep detailed account of incident and show police injuries from attack*
- ✓ *Keep medical/physical evidence intact and do not disturb scene of assault (preserves evidence!!!)*

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CRIME SCENE PROCESSING

- ✓ *Identification of potential evidence, i.e. sheets, clothing, fluids, letters, etc*
- ✓ *Collection of evidence*
- ✓ *Crime Scene photography*
- ✓ *Canvass interviews (potential witnesses!!!)*

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MEDICAL EXAMINATIONS

- ✓ *Doctor looks at history/evidence of injury*
- ✓ *Collection of evidence, I.e. fibers, hair, bodily fluids, SADK, all clothing (DNA Evidence!!!)*
- ✓ *Physical exam, I.e. cuts, bruises, bite marks, tears, pelvic exams, STD's*
- ✓ *Blood for STD, pregnancy, and alcohol level/urinalysis if requested*
- ✓ *Photograph of injuries and collection of evidence by USACIDC*

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VICTIM INTERVIEW

- ✓ *Complete account of details*
- ✓ *Be candid/precise*
- ✓ *Do not leave out any details, potentially embarrassing details included*
- ✓ *Before and after details*
- ✓ *Victim provided DD Form 2701 (Victim/Witness Assistance Form)*

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SUSPECT INTERVIEW/PROCESSING

- ✓ *Right's advisement*
- ✓ *Medical examinations*
- ✓ *Collection of evidence and DNA*
- ✓ *Photograph/fingerprints*
- ✓ *Criminal history checks*
- ✓ *USACIDC SSI Report*

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OTHER ACTIVITIES

- ✓ *Possible re-interview of victim/suspect to clear up discrepancies in their accounts (potential polygraph exams???)*
- ✓ *Track actions of all parties through interviews, I.e. timelines*
- ✓ *Laboratory examinations of evidence*
- ✓ *Brief USACIDC channels*
- ✓ *Brief Unit Commander*
- ✓ *Brief SJA*

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VICTIM'S RIGHTS

- ✓ *DD Form 2701, Victim/Witness Assistance Form*
- ✓ *Right to be treated professionally, fairly and with sensitivity*
- ✓ *Right to reasonable protection*
- ✓ *Right to know information pertaining to court*
- ✓ *Right to confer with an attorney*
- ✓ *Right to information about conviction, sentencing, and imprisonment*

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REDUCING THE RISK

At Home:

- Avoid being alone in isolated areas
- Leave your lights out when you leave home
- Install a “peephole” and deadbolt locks
- Keep all entrances and garages well-lit

On Dates/Social Functions:

- Avoid/limit alcohol consumption (impairs judgment!!!)
- Don’t leave your drink unattended especially in establishments (“Date Rape drugs!!!)
- Make your sexual limits clear
- Avoid secluded places

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REDUCING THE RISK

Walking:

- Plan your route
- If followed, go into an area with other people
- Avoid isolated spots/don't wear headphones

In your Car:

- Have keys ready when nearing your car
- Check backseat and underneath before entering
- Keep your doors locked
- Consider cellular phone for extra safety
- Never hitchhike or pick up a hitchhiker!!!

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REDUCING THE RISK

Public Transportation:

- *While waiting for transportation, stand near other people in well lit areas*
- *Sit near the driver or conductor*
- *Avoid isolated subway cars and bus or train stops*
- *When arriving home by taxi or private automobile,*

ask the driver to wait until you are inside your home

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REDUCING THE RISK

Unit Prevention:

- ***Establish unit safety policies to prevent rapes***
- ***Educate soldiers regarding the hazards of intoxication***
- ***Encourage SJA and USACIDC Training regarding rape and unit rape prevention***
- ***Ensure all incoming soldiers and spouses receive initial rape prevention training***
- ***Report all unwelcome sex to the unit commander, MP's or local CID Office***

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REDUCING THE RISK

If Attacked:

Trust your instincts and act quickly. Depending on the situation, you may

decide to:

- ***Run or scream for help***
- ***Kick, hit, bite, scratch, etc***

REMEMBER, YOUR GOAL IS SURVIVAL!!! IF YOU BELIEVE RESISTING WOULD PUT YOUR LIFE IN DANGER, COOPERATE. DON'T BLAME YOURSELF LATER FOR WHAT YOU DID -- OR DID NOT DO --

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SOURCES OF HELP

ACS

SWS

Medical Clinic

Military Police

Unit Chaplains

Mental Health Services

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Break

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MEDDAC-Heidelberg

MAJ Viki Leefers, Nurse Manager ER

Agenda

- Medical Response to Sexual Assault
- References
- What to expect
- Do’s and Don’ts for Survivors
- Points of Contact
- Conclusion

Purpose

Provide overview and guidance for the process of preservation and collection of forensic evidence and services offered to Survivors of Sexual Assault

References

- AR 600-20 (Army Command Policy), 13 May 02
- AE Memo 2004-025, Sexual Misconduct Awareness Campaign
- AE Memo 2004-017, Sexual Assault
- Color Atlas of Sexual Assault, Garardin, 1997
- Http://www.ojp.usdoj.gov/ovc/publications/bulletins/sane_4_2001/welcome.html

What to Expect

- Hospital or Host Nation Emergency Room
- Triage for medical emergencies
- Assemble the team
- Forensic Evidence Collection
- Aftercare Medications
- Follow-up Appointment
- Resources provided

Do's and Don'ts

Things TO do

- DO - Report assault immediately
- DO - Bring an extra set of clothes
- DO - Contact Social Worker/Victim Advocate

Things NOT to do

- Do NOT – Delay Reporting
- Do NOT –Shower
- Do NOT -Urinate
- Do NOT -Change Clothes
- Do NOT -Blame self

Points of Contact

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Heidelberg Social Work Services
371-2534 or 06221-172534

Soon to come - Sexual Assault referral hotline.

Conclusion

NOT in MY ARMY

Don’t be a victim of sexual assault!

If you are. . . report, get the medical and emotional assistance you need, and BE A SURVIVOR!

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26th ASG Deputy Command Chaplain

Chaplain (MAJ-P) Jonathan E. Shaw

Agenda

- Purpose
- References
- Some History of Sexual Misconduct
- Team Concept
- Religious Support
- Counseling and Pastoral Care
- Points of Contact

Purpose

To inform you about the

- **Religious support**
- **Counseling and pastoral care**

Available in the event of sexual misconduct

And at other times of personal

References

- AR 165-1, Chaplain Activities in the United States Army, 25 Mar 04
- AR 600-20, Army Command Policy, 13 May 02
- FM 1-05, Religious Support, 18 Apr 03
- TC 16-2, Religious Support to Casualties, Memorial and Funeral Services, 6 Dec 91

Some History of Sexual Misconduct

- In ancient paganism, sexual crimes were one-sided
  - Men had instincts; women were objects to take
- Ancient Greek and Roman laws provided for
  - Hetaerna – husband could take a legal mistress
  - Patria potestas – father had absolute power over women in family, to include violence and death
  - Manus - woman owned by her husband
- The Church influenced society to outlaw such acts

Team Concept

- Army values mean that we treat every person with the respect he or she deserves
- No one single person or helping organization brings to the table all that is need
- The team includes the Commander, Supervisor, Chain of Command, EO, IG, Medical, SJA, CID, PMO, any person willing to be a friend, and the Chaplain
- The Chaplain offers
  - Religious support
  - Counseling and pastoral care

Religious Support

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- Chaplains, and the entire religious support team, care about people as people and offer help, and God's gracious Word of healing and forgiveness
  - Chapel services, sacraments, studies, fellowship groups, religious counseling, and chapel programs
  - A high view of personal worth; God's creation
  - A high view of sexuality, given by God to be shared between one man and one woman in the context of a life-long union of love and commitment
  - A true culture of freedom and dignity as opposed to today's false culture of selfishness and abuse

Counseling and Pastoral Care

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- Chaplains offer counseling that is
  - Personal
  - Private
  - Oriented toward human development and growth
- Chaplains offer classes, programs, retreats, and spiritual fitness events that are
  - Grounded in Army values (LDRSHIP)
  - Aim at relationship and life enhancement
- Your Chaplain cares and is on point for you

Points of Contact

26th ASG Chaplain 370-6190/6597

The On-Call Duty Chaplain is always available
After duty hours, call 373-1530/1350
Ask to have the Duty Chaplain contact you no

233d BSB Chaplain 348-1570/3819

Conclusion

The most effective way to ensure respect among Soldiers was articulated long ago:

“Do unto others as you would have them do unto you.”

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OIC PATTON LEGAL CENTER

MAJ Tom White

Agenda

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- Purpose
- References
- Legal Consequences
- Victim/Witness Assistance Program
- Points of Contact
- Conclusion

Purpose

To provide information regarding the possible legal consequences for those who commit sexual misconduct and to provide information on the Victim/Witness Assistance Program .

References

- NATO Status of Forces Agreement (SOFA).
- Department of Defense Directive 1030.2 (Victim and Witness Assistance Procedures), 23 Dec 1994.
- Army Regulation 27-10 (Military Justice), Ch. 18, 6 Sep 2002.
- USAREUR Regulation 27-9 (Misconduct by Civilians), 21 May 2002.
- USAREUR Regulation 27-10 (Military Justice), 25 Jan 2002.

Legal Consequences

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- **MILITARY**
  - Administrative (Letters of Reprimand to Administrative Separations)
  - Punitive (Article 15 under the UCMJ to Courts-Martial)

- **CIVILIAN (May apply to both employees and Dependents)**
  - Administrative (Letters of Reprimand, Suspension, Revocation of Individual Logistic Support, Early Return of Dependents, and Bars of Entry to Military Installations)
  - Punitive (Prosecution under Host Nation Laws or Prosecution under the Military Extraterritorial Jurisdiction Act)

Victim/Witness Assistance Program

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- **AR 27-10, Chapter 18**
  - **Implements the Federal Victim/Witness Program into the Army Justice System**
  - **Establishes policy, designates responsibility, and provides guidance for assisting victims and witnesses**
  - **Victim**
  - **Witness**
  - **Victim/Witness Liaison Officer**
  - **Victim Advocate**
- **Rights of Victims**
- **Victim/Witness Services**

Points of Contact

MAJ Tom White 373-5092
OIC Patton Legal Center

CPT John Morganstern 373-5045
Trial Counsel

CPT Rebecca Weiler 373-

Conclusion

- **Legal Consequences**
- **Victim / Witness Assistance Program**

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Break

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Question & Answer Session Panel

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26th ASG Commander – Closing Remarks

COL Robert C. Rush Jr.

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